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U.S. DISTRICT COURT, E.D.N.Y.

★ JUL 5 1 2007 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
RICHARD STIRRAT,

Plaintiff,

-against-

ACE AUDIO/VISUAL, INC.,

Defendant.
-----X

A P P E A R A N C E S:

ZAWACKI, EVERETT, GRAY & MCLAUGHLIN

1216 John Street, Suite 1214

New York, NY 10038

By: Robert James Tighe, Esq.

Attorneys for the Plaintiff

ACE AUDIO/VISUAL, INC.

c/o DOAR

170 Earle Avenue

Lynbrook, New York 11563

ACE AUDIO/VISUAL, INC.

c/o MARC HOCHLERIN

33-49 55th Street

Woodside, New York 11377-1931

JOHNSON, Senior District Judge:

Before the Court is a Report and Recommendation ("Report"), prepared by

CM

Magistrate Judge Victor V. Pohorelsky¹ in response to an order of this Court to determine Richard Stirrat's ("Plaintiff") award for damages, costs, and fees.

Magistrate Judge Pohorelsky filed an initial Report and Recommendation on September 16, 2005, which this Court adopted on November 8, 2005. In that recommendation, Judge Pohorelsky found that the Plaintiff should be awarded \$88,006.71 in back pay damages, including prejudgment interest, and \$8,000 in compensatory damages. However, Magistrate Judge Pohorelsky found that Plaintiff was not entitled to attorneys' fees because he had failed to submit the documentation necessary to support such an award. Plaintiff subsequently filed the necessary documentation, and the Report and Recommendation presently before the Court pertains to that assessment. Magistrate Judge Pohorelsky filed his Report on February 15, 2007, and provided the parties 10 days upon receipt of the Report to file any objections. No objections have been filed.

A district court judge may designate a magistrate judge to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within 10 days of service of the recommendation, any party may file written objections to the magistrate's report. Id. Upon *de novo* review of those portions of the record to which objections were made, the district court judge may

¹ The Court thanks Judge Pohorelsky for his work in this regard.

affirm or reject the recommendations. Id. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985).

As mentioned, no objections were filed within the allotted time period. Therefore, this Court adopts and affirms the Report in its entirety and grants Plaintiff \$26,394.25 in attorneys' fees and \$639.04 in related costs and expenses.

SO ORDERED.

Dated: July 26, 2007
Brooklyn, NY

/s/(SJ)

Senior U.S.D.J.